

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Crl.Rev.Pet.No. 3127 of 2007()

CMP.1911/2007 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

REVN. PETITIONER: COMPLAINANT:

**SHAJU THOMAS, AGED 36 YEARS,
S/O.P.A.THOMAS, PUTHENANGADY HOUSE,
NAZARETH ROAD, ALUVA.**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS: RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. RONALD DANIEL MASTER, AGED 42 YEARS,
P.B.NO.71, P.O.PERINTHALMANNA, MALAPPURAM.**
- 3. KODAKKADAN HAMZA, AGED 55 YEARS,
KODAKKADAN HOUSE, MANATHUMANGALAM ,
P.O.PERINTHALMANNA, MALAPPURAM.**
- 4. KUNJANI HAJI, AGED 55 YEARS,
KAPPUNGAL HOUSE, P.O.EDATHANATTUKARA,
PALAKKAD.**

BY

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

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Crl. R.P. No. 3127 OF 2007
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Dated this the 24th day of August, 2007

O R D E R

The revision petitioner who was the complainant in a private complaint registered as CMP.191107 before JFCM-I, Aluva allegedly for offences punishable under sections 420, 384, 386, 381, 392 and 120B read with section 34 IPC, challenges the order dated 30.6.07 passed by the Magistrate dismissing the complaint for the reason that there is no sufficient ground or material to proceed against the accused.

2. According to the revision petitioner complainant, the above complaint was necessitated for the reason that Aluva police refused to register a crime and that was why the revision petitioner filed the above complaint with a specific request to forward the same to the police under section 156(3) Cr.P.C.

3. It was impermissible for the revision petitioner to file a complaint before the Magistrate for the sole purpose of forwarding the case to the police under section 156(3) Cr.P.C. That is a matter within the absolute discretion of the Magistrate. If the officer in charge of a police station has refused to register a crime

on a complaint alleging commission of cognizable offences, the remedy of the aggrieved person is not to file a private complaint but to move the Superintendent of Police of the district under section 154(3) Cr.P.C. Hence, without prejudice to the right of the petitioner to proceed under section 154(3) Cr.P.C., this revision is dismissed.

(V. RAMKUMAR, JUDGE)

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